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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Seventeenth session

SUMMARY RECORD OF THE 40th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 26 November 1997, at 10 a.m.

Chairperson: Mr. ALSTON

later: Mr. GRISSA
(Vice-Chairperson)

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6) (continued)

. Initial report of Azerbaijan (continued) (E/1990/5/Add.30; E/C.12/Q/AZE.1)

1. At the invitation of the Chairperson, the delegation of Azerbaijan took places at the Committee table.

Article 6. Right to work (continued)

Article 7. The right to just and favourable conditions of work (continued)

2. Mr. RAGIMOV (Azerbaijan), referring to the Committee's concern that large-scale development of the oil industry might pose a threat to other sectors of the economy, said that the oil industry in Azerbaijan had always been a highly developed sector. The recent award of contracts for the development of new oilfields was merely a continuation of that tradition. However, recognizing that rapid growth of the industry and an intlux of oil money might give rise to an oil syndrome, the Government had launched a major programme of reform of the social and economic system in 1995 that had now stabilized the principal macroeconomic indicators. Over the first nine months of 1997 GNP had grown by 5 per cent, in contrast to the steady decline experienced in previous years. The decline in industrial production had been halted and a modest growth of 0.1-0.2 per cent recorded. Inflation, which had reached 1,600-1,800 per cent a year in 1994 and 1995 had been eliminated as a result of the reform measures.

3. In addition, major agrarian reforms had been undertaken as well as reform of the private sector. That comprehensive endeavour ensured that development of the oil industry did not take place at the expense of other sectors of the economy. The annual budget deficit was currently running at 2-3 per cent of GNP, which compared favourably with conditions elsewhere in the world, and was covered not by bank loans but by concessionary grants from oil contracts. Many reform programmes had also been drawn up in relation to health, education and cultural activities. Some funding for the reform effort was being sought from the international community, but the oil money would make it possible for Azerbaijan itself to draw on its own resources for the purpose. Growth of the oil sector had thus brought with it stabilization of the economic, social and political situation, had encouraged foreign investment and promoted growth in other areas such as the service sector, the construction industry and agriculture.

4. No restrictions were placed by the Constitution or by any labour laws and regulations on employment of women in any kind of work. However, women were generally employed in the non-productive sector, in other words, they were not employed in the production of material goods but in the service sector and in social services, medicine, education, science and cultural activities. Since heavy industry made up a sizeable proportion of the

productive sector and frequently involved hazardous work, women did not generally seek employment there. That had been a beneficial effect on population growth and on the upbringing of children.

5. The State Employment Service had been created under the Act on Employment of the Population of the Azerbaijani Republic adopted on 27 June 1991, which had been prepared in consultation with ILO before adoption by the legislature, the National Assembly. The Service had its head office in Baku and had regional offices elsewhere. It was funded by means of compulsory contributions from employers and a 2 per cent deduction from wages, the annual budget being adopted by the National Assembly. The funds were used to pay unemployment benefit, vocational training and retraining for the unemployed, promotion of self-employment and entrepreneurial initiatives, provision of temporary social work and the Service's operating costs.

6. The number of unemployed registered with the State Employment Service stood at 37,000, an increase of 22 per cent over the 1996 figure, which in turn had been 11 per cent above the 1995 figure. The present official figure represented 12-13 per cent of the workforce. However, there was much hidden unemployment in Azerbaijan and the true unemployment figure was estimated to lie between 300,000 and 400,000.

7. The war with Armenia had left many people disabled, including 6,000 young people, thus creating a major problem. The Government was treating the need to provide socially useful work for such persons as a matter of priority. Under the 1993 Act on the Social Protection of Disabled Persons, those disabled by war or other causes who were capable of work were assured of employment by a system of job quotas to be met by enterprises. The job quotas were regulated by local authorities through annual agreements negotiated with enterprises and organizations within their jurisdiction. Enterprises and organizations failing to observe those quotas were liable to fines. Considerable work was being done for the vocational rehabilitation of the disabled in a number of centres. In addition, there were two centres providing artificial limbs and working with the disabled to enable them to live a normal life.

8. The minimum wage was established by law at 5,500 manats. Under the major economic reforms in progress, pensions and other social welfare allowances were no longer pegged to the minimum wage but were set independently. Employers were not permitted to pay less than the minimum wage and, in current practice, remuneration was generally much higher. The wages paid by organizations operating under the State budget were of the order of 15,000 manats.

9. There were no restrictions on the employment of foreigners in Azerbaijan, apart from the usual embargo on employment of non-nationals in such sectors as the police, aviation and the defence industry, and they were not eligible for election to political office.

10. Special measures were being taken for the employment of refugees and the many persons who had been displaced from rural areas to the cities. Figures available from the State Employment Service showed that 20,000 refugees had been found employment in the past three to four years. Programmes were under

way in several regions in cooperation with a number of international organizations, UNDP and the European Union to promote self-employment, vocational retraining and job creation for refugees in or near the areas to which they had been displaced. Azerbaijan was intending to extend similar programmes on its own initiative to other regions.

11. Mr. AHMED said that, although Committee members were fully satisfied with the legal framework provided under the Constitution and the law, they also needed to know what actually happened in practice - in real life - in areas of relevance to the Covenant. He drew attention to a report on Azerbaijan published by the Women's Rights Action Watch, which claimed that Azerbaijani companies found it more profitable to invest their capital abroad and quoted a report by a Baku newspaper that, by May 1997, some US$ 749 million had been invested in that way in the Turkish economy alone and an even greater amount in Western economies. The report went on to say that the government commitment to legislative and sectoral reforms that would foster the development of domestic small- to medium-scale enterprises had not been honoured, while the people felt that political patronage prevented much trickle-down from current economic growth.

12. He asked whether any ceiling had been placed on the number of foreign nationals allowed to work in Azerbaijan, since it appeared that considerable ill-will had been generated by Turkish-owned construction companies and other enterprises that employed Turkish nationals in skilled positions and hired Azerbaijanis mainly as unskilled labourers. He hoped the delegation could allay the Committee's fears that the dollar drain on the economy would be halted and that more attention would be paid to encouraging investment in the domestic market and in encouraging entrepreneurial initiative by the Azerbaijani population.

13. Mr. TEXIER, noting the rising trend in unemployment mentioned by the delegation, asked what proportion of the population of working age the official and unofficial unemployment figures represented. What measures were being taken to reverse that trend? It was his understanding that women were more severely affected by unemployment than men and he would like more specific information on the subject.

14. The figure of 5,500 manats had been given as the minimum wage, but was relatively meaningless in the absence of information on the cost of living and the extent to which it covered the essentials of life. How did the minimum wage compare with the current cost of living? Information on the level of pensions now that they were no longer pegged to the minimum wage would also be welcome.

15. Mr. GADJIEV (Azerbaijan) said it was usual in Azerbaijan, as elsewhere, for newspapers opposing government policy to express their own views. It should be remembered that in the Soviet era there had been problems relating to criminal activity, money laundering and the flow of capital out of the country for the purpose of concealing illicit income. However, under present conditions in Azerbaijan the level of outflow of funds mentioned by Mr. Ahmed was extremely unlikely - the sums mentioned were just too high. He doubted whether any companies were in fact engaging in such practices.

16. Some 60,000 foreign nationals were legally employed in various sectors of the Azerbaijani economy. There was no objection to foreigners, such as Turkish nationals, working in Azerbaijan. However, companies in the service sector employing Turkish nationals also had Azerbaijanis on their staff. In the oil industry, there was an agreement between the Government and foreign companies that Azerbaijani nationals would make up 70 per cent of their workforce. Admittedly, more needed to be done to encourage Azerbaijanis to enter the private sector and to develop their entrepreneurial skills, but the opportunities were often limited by the need for bank loans and concessionary grants.

17. The unemployment problem was a complex one. The decision to depart from the former practice of operating a planned economy had led to a situation in which enterprises faced a shortage of skilled staff and a shortage of products supplied by other companies. That had led to the rise in unemployment. In order to solve their economic problems, people were actively seeking work in the private sector and in trade.

18. Mr. RAGIMOV (Azerbaijan) said that, as stated earlier, the official number of unemployed was 37,000. However, the unofficial estimate came to 954,000, or some 19 per cent of the active population. Unemployment was higher among women than among men. The minimum wage of 5,500 manats was certainly not enough for a person to live on, but everyone in Azerbaijan, whether wage-earner, pensioner or welfare benefit recipient, had an income well in excess of the minimum wage. As a result of the reform process, the State no longer regulated wages, which were determined by agreements reached by collective bargaining at enterprise or sector level between employers and trade unions. Wages and salaries were State regulated only in connection with organizations and bodies operating under the State budget, where it was true that wages were lower than in other sectors of the economy.

19. Pensions were no longer linked to the minimum wage and in the past few months had doubled from 25,000 to 50,000 manats. Receipt of pensions were guaranteed by the State. A major reform of the pension system would be introduced in 1998 with a three-tier system comprising a first level representing the basic State pension, a second level representing pension schemes for individual workers and a third level representing non-State pension schemes. It was hoped that the reform would make the pension sector more effective.

Article 8. Trade union rights

20. Mr. KOUZNETSOV, noting that the Trade Union Act of 1994 banned all political activity on the part of trade unions, asked whether that or any other Azerbaijani legislation contained a definition of the term "political activity". Trade union activities to benefit workers could easily be considered political, especially in periods of instability, which were characteristic of former Soviet States. What was the meaning of the term "political activity" in Azerbaijani society?

21. Mr. CEVILLE asked whether Azerbaijan was drafting a new law protecting the right to strike and, if so, what the features of its legislative provisions were. The law in force, which had been enacted during the Soviet

era, prohibited certain categories of workers from striking on the grounds that strikes would have serious and dangerous consequences. What penalties were applied if those workers struck?

22. Mr. TEXIER, noting that the right to association had been recognized in Azerbaijan as recently as 1994, asked whether trade union pluralism genuinely existed in Azerbaijan and what the relations between trade unions were. He would like to know whether the collective agreements had any real weight or clout and how they were implemented.

23. According to paragraph 80 of the initial report (E/1990/5/Add.30), the law governing the settlement of labour disputes stated that a strike was "an extreme measure for settling a collective dispute" and that a decision to strike required the approval of two thirds of the workers concerned. A simple majority should be sufficient. The law also stipulated that a strike was not permitted if it constituted a threat to the life and health of persons or involved the railways, urban public transport, civil aviation, communications, the power industry, the defence industries and continuously operating plants. Such a provision barred a large segment of industrial activity from going on strike, which was an important means of bringing pressure to bear on employers. Furthermore, transport was a crucial strategic sector.

24. Although Azerbaijan had ratified ILO Convention No. 87, in its 1997 report the ILO Committee of Experts, recalling that restrictions on the right to strike should be limited to public servants exercising authority in the name of the State or in essential services the interruption of which would endanger the life, safety or health of the population, requested the Government to amend or repeal relevant provisions of the Penal Code. What were Azerbaijan's intentions in that regard?

25. Mr. ADEKUOYE, noting that the Trade Union Confederation had existed during the Soviet era and that many industries were still State-owned with directors appointed by the State, said he wondered whether that organization was genuinely autonomous. He would also like to know how many trade unions did not belong to the Confederation, how many workers were required in order to form a new trade union, and whether new unions could emerge from the ranks of old ones. It would also be useful to know what legislation, if any, governed collective agreements, whether arbitration decisions were binding, and whether parties could appeal such decisions before a court of law.

26. Mr. THAPALIA said that the Annual Survey of violations of trade union rights for 1996 had indicated that the Trade Union Act of 1994 contained a total ban on the political activities of trade unions. The legislation in force contained restrictions on the right to participate in collective actions. It would be useful to know why the Government had not yet amended the relevant legislation to conform with its international commitments.

27. Mr. CEAUSU pointed out that paragraph 69 of the report stated that the Trade Union Act of 1994 placed no restrictions on the right to found or join trade unions. Paragraph 71 said that any citizen 18 years or over who possessed legal competence could join a trade union, but it made no reference to the right to form a trade union. A 1996 report of the United States Department of State asserted that most labour unions operated as they had

under the Soviet system and remained highly dependent on the Government. Did some link in fact exist between the Trade Union Confederation and the unions active during the Soviet period? Azerbaijani law on the right to strike was indeed outdated and undemocratic. Under that system, one third of the workers could prevent the calling of a strike, and therefore had more clout than the other two thirds. He agreed with Mr. Texier that a simple majority vote should be sufficient to determine the will of a group of persons.

28. Mrs. JIMENEZ BUTRAGUEÑO asked what percentage of Azerbaijani workers were unionized and whether workers enjoyed the right to join the trade unions they wished.

29. Mr. GADJIEV (Azerbaijan) said that the Trade Union Act contained no direct prohibition on political activity. The report was perhaps poorly worded: it merely endeavoured to say that political parties should not use trade unions as a tool for their own ends. The Supreme Court had not defined the concept of political activity as such. He agreed that it was often difficult to distinguish economic rights from political rights. The Azerbaijani Constitution protected the right to strike within the framework of a labour agreement and prohibited strikes only by members of the armed forces. The list of industries whose workers were not permitted to strike did in fact contravene the existing constitutional provisions. It was true that new legislation was needed.

30. A draft law that provided for a different voting system for the settlement of labour disputes was likely to be adopted by the National Assembly in late 1997 or early 1998. Parties to a dispute could indeed bring their cases before a court of law. The collective agreement legislation in force, which had been approved by the International Labour Organization and met the terms of Azerbaijan's international commitments, provided that disputes and complaints would be settled by the courts.

31. The right to form unions was protected by the Constitution. Approximately 80,000 workers belonged to independent trade unions. Some trade unions joined the Trade Union Confederation, others did not. Many of Azerbaijan's trade unions were naturally based on unions that had been active during the Soviet period. While the petroleum and gas industry had a union that dated back to that time and belonged to the Confederation, workers in the oil industry had formed other unions that were independent. There were no restrictions on the right of citizens to join unions.

32. Mr. TEXIER said he wondered, first, whether the Supreme Court had ruled on the matter of trade union representation. In some countries, France among them, political elements had attempted to infiltrate the leadership of the unions. Second, he would like to know whether Azerbaijani unions belonged to international trade union federations.

33. Mr. GADJIEV (Azerbaijan) said that trade unions were registered with the Ministry of Justice. The Supreme Court had reviewed the case of an independent oil workers' trade union which the Ministry had refused to register and had ruled in favour of the union. The independent trade union movement was in its infancy and its problems were being resolved on a case-by-case basis. The phrase "the struggle of workers for their social

rights" did not apply solely to the Soviet era; in all eras workers needed to struggle to protect their rights. Azerbaijani trade unions did participate in international trade union organizations.

34. Mr. RAGIMOV (Azerbaijan) said that trade unions were taking part in the privatization of national industries. A supervisory commission, whose president was also the president of the Trade Union Confederation, monitored the privatization process.

Article 9. Right to social security

35. Mr. RIEDEL asked whether, in view of the high rate of inflation, persons who received only social pensions could live on them. Azerbaijan had stated that pensions had recently doubled; did that apply to all pensions, including social ones? A three-tier pension scheme had been mentioned, one tier of which related to private pensions. The question arose as to what provisions were made to cover those pensions if the company or enterprise went bankrupt.

36. Mrs. BONOAN-DANDAN said paragraph 82 of the report indicated that women were entitled to pensions at age 55 after 20 years' work and men at age 60 after 25 years' work. What happened to those pensions if the years of employment fell short of those figures? She would also like to know what meaning was to be attached to the term "socially useful work".

37. Paragraph 85 discussed entitlement to social pensions, but it was not clear whether the men and women mentioned in the second sentence were disabled. Paragraph 115, which fell under the matter of article 7, contained a complicated scheme for providing social pensions to mothers. What was meant by "mothers who ... reared children until the age of 8"? It would be useful to know how such pensions were implemented in practical terms, what the annual cost was to the Government, and what percentage of the population received such pensions. Azerbaijan should also describe the problems it had encountered in providing such pensions.

38. Mrs. JIMENEZ BUTRAGUEÑO said that there was some inconsistency between paragraphs 85 and 115. Also, did workers themselves make contributions to their pensions? She would like further clarification on the many different categories in paragraph 115, and on mother-heroines in particular; as far as she was concerned, all mothers were heroines.

39. Mr. RAGIMOV (Azerbaijan), beginning with the questions about the social pensions referred to in paragraph 85, said that it was not a question of invalid mothers but mothers themselves or mothers who had raised invalids. Social pensions in Azerbaijan did not yet ensure a normal way of life for categories such as disabled people, women who had raised children and mother-heroines. Therefore, the Government granted those categories of the population additional compensation payments, for which all pensioners not working, including social pensioners and all disabled persons, were eligible. Whenever possible, the level of those payments were increased, thereby helping such persons to get by. The statement that pensions had doubled in 1997 included social pensions. Private pension funds did not exist as yet. However, they were planned in the context of a new pension reform, which was to come into force on 1 January 1998. The Social Insurance Act, adopted by

Parliament at the beginning of 1997, provided the legal basis for setting up such private pension funds. There were now more than 1,200,000 pensioners in Azerbaijan, including 100,000 social pensioners. It was a heavy burden borne by the State budget and the social insurance fund, the latter being financed by mandatory contributions from employers, who had to pay some 30 per cent of wages, and from employees, 1 per cent of their wages being withheld for that purpose. But the reforms envisaged would affect both the operation of the social insurance fund and contributions to it. As in other countries, the trend would be for the employee's contribution to rise and the employer's contribution to fall. As to the indexation of social payments, it had been pointed out earlier that periodic adjustments were made. Social payments were established by a presidential edict. Adjustments were made following a review of the level of social payments and other kinds of assistance. With reference to paragraph 115, he agreed that all women were heroines; the term mother-heroine dated back to the Soviet period and denoted women who had had 10 children or more and who received special pension benefits.

40. As for paragraph 17 in the list of issues, social security was financed by the national budget, 40 per cent of which was allocated for pensions, compensation payments and assistance to the population, and by the social insurance fund, whose social assistance payments had reached 1 trillion manats, the Gross Domestic Product being somewhat higher than 10 trillion manats. Taken together, the various payments, although not high, were very important to the population under the present difficult circumstances. In rural areas, when farm labourers did not earn a regular monthly wage, the annual income was taken as the basis for calculating pensions. That was the only way the pension system differed for rural workers.

41. Mrs. BONOAN-DANDAN, referring to paragraph 82, asked how much support a woman received when she had not made contributions long enough to be eligible for a pension and whether the amount was enough to live on.

42. Mrs. JIMENEZ BUTRAGUEÑO asked whether there were any disability pensions.

43. Mr. RAGIMOV (Azerbaijan), replying to the question concerning paragraph 82, said that persons became eligible for labour pensions at a certain age and after a certain length of service. Azerbaijani legislation provided for another kind of pension for persons who reached pensionable age but did not have the requisite length of service for a labour pension, although it was not as high as the one paid to those eligible for a full labour pension. Mothers who did not qualify for a full pension nevertheless received social pensions at fixed levels. Social pensions included disability pensions. There was a network of expert medical and social commissions which decided on the category of disability, of which there were three, depending on the degree to which the person concerned was still fit to work.

Article 10. Protection of the family, mothers and children

44. Mr. GRISSA, referring to paragraph 105, asked how it was possible for both parents to bring up their children in the event of a divorce. After all, presumably the parents no longer lived together. As to paragraph 106,

concerning the minimum working age for children, how many children no longer attended school and were either working or doing odd jobs in the streets? Was the phenomenon of street children a problem in Azerbaijan?

45. Mr. CEVILLE said that the report failed to provide any information on what the Government was doing for the protection of children and adolescents, despite the fact that Azerbaijan had signed the Convention on the Rights of the Child. The report contained paragraphs mentioning 15 and 16 as the minimum age for legal work, yet the general international trend was to do away with or to avoid work for children and adolescents. How did the Government ensure the protection of the rights of children and adolescents in actual practice?

46. Azerbaijan's written replies to the list of issues stated that children born out of wedlock enjoyed the same rights as children born in wedlock. However, it further stated that children born out of wedlock were entered in the registry of births under the mother's family name. He would be very surprised if that was also the case for children born in wedlock.

47. Mr. ADEKUOYE, referring to the demographic indicators in the replies to the list of issues, noted that the number of marriages had virtually halved between 1990 and 1996; divorces had fallen even more steeply. Could the delegation of Azerbaijan comment on that striking trend?

48. In view of the large numbers of internal refugees in the country, were there any refugee centres? If so, how many were there and did they meet the needs of children and families? Were children in such centres given schooling and health care? Did Azerbaijan receive international humanitarian assistance in that regard?

49. As for the average subsistence wage, according to reports, in December 1995 the consumer price index for an average family had stood at 221,704 manats. In 1993, the average wage had been very much lower than that figure, about 70,000. What were the figures today? If the gap was still as wide as in 1995, what means were being employed by the Government to close it?

50. Mr. ANTANOVICH said he would like to learn more about adoption, which had suddenly become a problem in all CIS countries. Azerbaijan was in a special situation: according to statistics, there were 1 million migrants for a total population of less than 10 million. What was the scale of the problem of homeless children and street children? Were foreign citizens allowed to adopt children? Were there cases of children being procured for sexual purposes? Were there legislative measures to counteract that phenomenon and, if so, what form did they take?

51. Mr. THAPALIA said that, according to information made available to the Committee by an NGO, during the war between Azerbaijan and Armenia 250,000 children had been forced to leave their homeland and thousands of children had become invalids or had lost their parents. There were some 20,000 orphans and abandoned children, many of them homeless. How was the Government of Azerbaijan tackling that problem? The Committee on the Rights of the Child had urged Azerbaijan to take comprehensive measures to protect the rights of children and had expressed concern at the insufficient measures

and programmes for the protection of the rights of the most vulnerable children. Did the Government have any policy to deal with that situation?

52. Mr. AHMED said that the Committee on the Rights of the Child had voiced concern that there was no comprehensive legislation protecting the rights of the child as stipulated by the Convention. Could the delegation of Azerbaijan comment on that? Secondly, an Azerbaijani organization recently established to monitor children's rights had reported that, in February 1997, the Azerbaijani National Assembly had adopted an amendment to existing legislation on marriage and the family which had lifted the restriction on adoption by non-citizens, that there was no clear mechanism for adoption, and that, given the current economic crisis, the easing of adoption conditions had made some children vulnerable to the increasing threat of sex trafficking. Could the delegation confirm that the National Assembly had in fact passed such legislation?

53. Mrs. BONOAN-DANDAN asked what the incidence of domestic violence against women was. What was the status of women in the family? Also, what was the extent of the problem of child labour? Assuming child-labour legislation existed, how was it monitored? Could the delegation provide information on the problem of drug abuse among children, on child abuse and child prostitution? One NGO report had raised the problem of adolescents who had to leave State orphanages, although they had no place to go. At what age were they required to leave? Did the Government monitor what became of such persons?

54. Mr. SADI, echoing Mr. Ahmed's concern about the relaxation of legislation on the adoption of children, said that he was alarmed not only at the dimension of sex trafficking, but also at the move in many Western countries to adopt children from developing countries. What was the reason for lifting restrictions on adoption by non-citizens? Were humanitarian concerns or commercial interests involved? He was concerned in particular about the phenomenon of children being misused for organ transplants. Opening the door to adoption by non-citizens meant that foreign elements could use the children for a multitude of purposes, including prostitution, organ transplants or simply to satisfy the needs of childless couples in some countries.

55. Political and economic reforms had led to the disappearance of a centralized social system, signalling that there was no coherent social policy. He asked the delegation to comment on alarming NGO reports that 89 per cent of all families lived at the poverty level. Was the situation that bad? It appeared that scant attention was being paid to issues of poverty and child welfare in Azerbaijan.

56. Mr. Grissa (Vice-Chairperson) took the Chair.

57. Mr. RATTRAY said that he found the report somewhat deficient in describing protection of, and assistance to, families. Like Mrs. Bonoan-Dandan, he also wanted to find out about the prevalence of domestic violence and to learn what State assistance there was or what legal mechanism had been devised to protect women and children against violence in the home. Were there restraining orders or punishment available for such

offences? If provisions for protection against domestic violence did exist, he would like to know whether they offered equal protection to men and women. Again, was there any institutional or legal mechanism to protect children in the care of the State who might be exposed to abuse?

58. Mr. WIMER, speaking on a point of order, suggested that questions should be posed as succinctly as possible since there was very little time remaining.

59. Mrs. JIMENEZ BUTRAGUEÑO said that she was particularly interested in the incidence of divorce and protection of the family. All too often, sole responsibility for the family and bringing up the children fell to the woman and it was important for the man to bear his share of domestic obligations.

60. Mr. GADJIEV (Azerbaijan) said he would reiterate the information in paragraph 105 to the effect that it was for the courts to decide on the dissolution of marriages. Most often it was the mother who made decisions on education, since she was usually awarded custody of the children. In percentage terms, the number of divorces had remained stable. The number of marriages had in fact fallen by half, a reflection of an economic climate in which young persons were not on a sufficiently firm financial footing to make the commitments that marriage involved.

61. Cases had occurred of forcible removal of Azerbaijani infants abroad. He was reluctant to name the countries that were the most common destinations, but he assured the Committee that those countries were neither part of the former Soviet Union nor were they neighbouring countries. State law enforcement agencies were sparing no effort to stem the trafficking in children.

62. While there were legislative measures to regulate and protect the rights of children and mothers, there was no comprehensive law on children's rights. Responsibility for the social protection of children lay with the Ministry of Youth Affairs and a special government commission established for that purpose.

63. It was in no sense commonplace to find children sleeping on the streets and in other public areas. Azerbaijan did not have as much of the problem of homeless children as did countries which had suffered disasters and revolutions. Most children lived with families and the Government was committed to providing maximum assistance and material support for the families. There were certain groups of society which traditionally involved children in their trading activities, but the great majority of children in Azerbaijan attended school under the system of free, compulsory education. Education was one of the institutions, established and developed over many years during the Soviet period, that the present Government was endeavouring to strengthen and develop. There was no reason to give up such a successful system purely on ideological grounds.

64. The Government had adopted humanitarian principles on prostitution and other related activities. While prostitution itself was not prohibited, the procurement of persons for prostitution was a punishable offence. Several

articles of the Criminal Code were designed to combat the scourge of drug addiction and prevent the sale of narcotics, such as marijuana, heroin and opium.

65. The State Committee on Refugee Affairs, at the ministerial level, and commissions established by all executive authorities in the regions and cities, dealt with issues related to refugees. Apart from humanitarian assistance, improving the living conditions for refugees was one of the Government's major concerns.

66. Adopted children had exactly the same rights as other children and the right of foreigners to adopt children in Azerbaijan was in practice quite limited.

67. Juvenile crime was a product of the country's poor socio-economic circumstances. A Commission on Juvenile Delinquency had been set up in each region to liaise with law enforcement agencies and corresponding departments and ministries, in an effort to remedy the situation.

68. Mr. RAGIMOV (Azerbaijan) said that social and economic policies had an impact on each other and, therefore could not be taken separately. Paragraph 118 of the initial report acknowledged the serious predicament of the Azerbaijani population. In 1993 and 1994, 95.5 per cent had lived below the poverty level as calculated on the basis of the minimum consumer budget. Nevertheless, the Government had embarked on social and economic reforms to ensure adequate social protection to offset the effects of economic collapse and high inflation. The years 1993 and 1994 had been a particularly difficult period, marked by rapidly spiralling inflation, and wages and pensions had been increased only for days at a time. The economic policy pursued by the present Government sought to encourage stability at the macroeconomic level, halt inflation and reverse the fall in production. Positive results, such as real growth in wages and incomes, against a background of zero inflation, had been achieved thus far.

69. The minimum consumer budget constituted an objective and was set at the level of the average North American or European. It could not be used to indicate living conditions in Azerbaijan, in view of the economic situation. It should, in fact, be the survival minimum, which was the country's poverty level, currently 130,000 to 150,000 manats per month. Wages and pensions averaged 120,000 and 50,000 respectively. If those figures were used, it would be seen that it was not really 95 per cent of the population that was below the poverty level. The situation was indeed difficult and there were not enough resources to help the population, but the Government did not want to create a society of dependants. Social policy was designed for the specific purpose of providing assistance to neediest and to vulnerable groups who were not able to earn their own living.

70. Another of the Government's positive achievements was that no pensioners were in debt. It was considered preferable to pay pensions, however modest, as promptly as possible, rather than make promises the Government could not afford to keep.

Article 11. The right to an adequate standard of living

71. Mr. RIEDEL said that the information provided in the report and the written replies evoked compassion and sympathy for the people of Azerbaijan. From paragraph 122 of the report it was apparent that large numbers of people were below the poverty line. Perhaps the delegation could explain the figure of 7.4 million people living in poverty, in the light of reports that the total population was just under 7.5 million. Could it be true that almost the entire population was living in poverty? Had the trend since 1994 been towards an improvement or deterioration in the standard of living?

72. With reference to food expenditures, he would like to know who constituted the "population groups", cited in paragraph 125, for which the cost of the food basket exceeded their incomes. There were no statistics on the incidence of starvation and the Committee would be grateful if the delegation would make sure that the requisite data were provided in future reports.

73. Paragraphs 131 to 138 spoke of alarming dietary deficiencies and indicated that the situation was deteriorating. How did the Government intend to bridge the $300 million gap needed for food imports in order to provide a nutritionally balanced food supply?

74. Mr. ANTANOVICH pointed out that a high and an adequate standard of living were not the same thing. People in the Commonwealth of Independent States (CIS) might be able to live for a month on $70 to $100, but that did not represent an adequate standard of living. He asked for clarification as to whether an "adequate standard of living" in Azerbaijan was consistent with a middle-level standard of living, and what proportion of the population could be regarded as living at an "adequate" standard.

75. Mr. ADEKUOYE said that the right to adequate food entailed the means to provide sufficient domestic production in quantity, quality and variety, and sufficient resources to import the necessary foodstuffs. He believed that some of the problems were self-inflicted. In the case of Azerbaijan, there were some privatized small-scale farms, but they could not obtain agricultural inputs or credit. Although the European Union had granted $16 million for credit to farmers, that sum had been frozen because of bureaucratic delays and disagreement with the Union on the method of disbursement. In addition, the extension services system had collapsed to the point where farmers were unable to get useful advice from the authorities. He invited the delegation to comment on the prospects for agricultural development.

76. Mr. CEAUSU said the situation in Azerbaijan could be described as dramatic. The transitional period in the republics of the former Soviet Union was plagued with economic and social problems, including widespread destabilization. It was apparent that the Government lacked the budgetary resources to fund social programmes and reasonable pensions in spite of rich natural resources and completely normal agricultural conditions. Was there a parallel economy or black market operating in Azerbaijan, or did other possibilities exist for persons to supplement their income?

77. He would suggest that, with a 1995 trade balance reflecting the transfer of $70 million abroad, the country was in fact producing an income, but the problem was one of the distribution of that income. In his view, the weak trade unions, which were dependent on the Government, did not dare to protect the real interests of the workers effectively and it was inevitable in such circumstances that wages and social benefits should be low. Moreover, the delay in commencing the agrarian reform might explain why the country was in such a serious state.

78. Was there a programme to fight corruption, tax evasion and organized crime? It was essential for economic reform and transformation to be accompanied by effective measures to address those issues. Otherwise, the national income would be channelled abroad and the Government would be impotent to intervene.

79. Mr. PILLAY said statistics indicated that 50 per cent of the population were without safe drinking water because of pollution. Was there legislation on environmental protection and, if so, why were the offending parties not brought to justice?

80. In view of the critical housing shortage, compounded by the inflow of refugees and displaced persons, he wondered whether the situation was not exacerbated by the privatization of State-owned accommodation. In addition, there was no information on the forced evictions he was reasonably certain would exist in such housing crises. Was that issue being successfully addressed?

81. Mr. TEXIER said that a comparison of statistics illustrated the gravity of the situation. By way of example, paragraph 122 of the report showed that the average monthly income of the population was approximately half the monthly minimum subsistence level per capita calculated by the Ministry of the Economy.

82. As to the housing question, was there a medium- or long-term plan to tackle the shortage and the failures to comply with building standards? He could not but endorse Mr. Pillay's comment on forced evictions and asked how problems between landlords and tenants were settled. Furthermore, with reference to Mr. Adekuoye's comments, what had become of the European Union agricultural assistance to small farmers? The report had appealed for humanitarian international assistance, but he would point out that it was important for donors to be assured that such aid would be used properly.

The meeting rose at 1.00 p.m.